

DETAILED ACTION

1. This Office action is in response to papers filed on 14 August 2006.
2. Claims 11-21 are pending and presented for publication. Claims 1-10 were cancelled by Preliminary amendment filed on June 29, 2007.
3. Applicant's submission of references on form PTO-1449, filed on August 14, 2006 and March 26, 2007, have been considered. A signed copy of each form is attached.

Specification

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: computer-readable data carrier and machine-readable carrier as claimed in instant claims 18-21.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
6. Claims 11, 16, and 18-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 11 is directed to a method for designing an automation system including the steps of providing design configuration data and combining the design configuration data. While claim 16 claims a device for designing an automation system including the same steps. Yet, the limitations as claimed include abstract ideas and fail to provide useful, concrete and tangible results that fall within the statutory category of 35 USC §101.

Claims 18-21 include a computer program wherein the program is stored on "computer-readable data carrier and/or machine-readable carrier" and fail to fall within the statutory category of invention. The limitation is directed to the program not a process occurring as a result of executing the program, a machine programmed to operate in accordance with the program, nor a manufacture structurally and functionally interconnected with the program in a manner which enables the program to act as a computer component and realize its functionality. Additionally, it is also not directed to a composition of matter within the meaning of 35 USC §101. Furthermore, the use of "carrier" fails to fall within the statutory category also. In this instance, it would be reasonable to interpret "readable carrier" media for carrying signals and/or other forms of propagation or transmission media to one of ordinary skill which are not within the statutory category.

disclosure.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 11-21 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,028,998 to Gloudeman et al.

The patented reference of prior art to Gloudeman et al. (hereinafter “Gloudeman”) teaches the building of automation application framework and in doing so anticipates the limitations of the instant invention.

Claim 11 defines a method for designing an automation system, that comprises the steps of providing design configuration data having at least HMI data and control data of at least one component of an automation system and combining the design configuration data for the at least one component of the automation system in an information object. Gloudeman teaches such beginning in column 2 at line 60 through column 3, line 18, wherein the design of the standard object is explained as the standard objects are created by a development tool and distributed to devices on the building automation system.

Claim 12 further limits the at least one component as a machine or a machine module. The prior art teaches the use of machine modules as standard objects, see col. 2: ll. 60 et seq.

Claim 13 further comprises the step of individually processing the information object which is taught in column 3, line 57 through column 4, line 6.

Claim 14 is directed to the step of combining plural information objects to form an entire design configuration which is explained at line 22 in column 4 wherein the information object functions as the command component of Gloudeman's invention.

Claim 15 includes the step of displaying a logic structure of the automation system and a logic structure of the at least one component of the automation system in a same mode of display as taught in column 4 at lines 7-21.

Claim 16 is directed to a device for designing an automation system, comprising an information object combining design configuration data for at least one component of an automation system, the design configuration data comprising at least HMI data and control data of the at least one component. The prior art of reference addresses this feature in column 3, lines 3-18.

As per claim 17, a device for designing an automation system, comprising an information object; a control component for combining design configuration data for at least one component of an automation system in the information object, wherein the design configuration data includes at least HMI data and control data of the at least one component, an HMI component for inputting and outputting information, a memory component for storing the information object, and a communication system for transmitting data between the control component, HMI component and memory component is claimed. Gloudeman teaches this aspect of the instant invention at lines 7-21 of column 4.

Claims 18-20 are directed to a computer program, comprising program code means for carrying out the method of claim 11 when the program is run on a computer

and when the program code means are stored on a computer-readable data carrier or when the program code means are stored on a machine-readable carrier to carry out the method of claim 11 when the program is run on a computer, respectively. As stated in line 9 of column 1, the patented invention by Gloudeman is to a software application development system which is essentially a computer program product.

With regard to claim 21, a data processing apparatus, which includes a computer, a computer-readable data carrier, and a computer program having program code means stored on the computer-readable data carrier for providing design configuration data having at least HMI data and control data of at least one component of an automation system, and combining the design configuration data for the at least one component of the automation system in an information object, said program code means activated when the computer program is run on the computer is claimed. As stated in lines 25-32 of column 2, the application framework of the instant invention is designed to be used and operate on a wide range of processors and operator work stations, which are intrinsically data processing apparatus including the elements of the instant claim.

Conclusion

9. For the reasons stated above, the limitations of the instant invention are taught and/or fairly suggested by the prior art of record; thereby, rendering the instant claims unpatentable.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent Application Publication No. US 2005/0155043 A1	Schulz et al.
US Patent Application Publication No. US 2006/0117295 A1	Wu et al.
US Patent Application Publication No. US 2006/0064289 A1	Walacavage et al.
US Patent Application Publication No. US 2006/0212557 A1	Rieger et al.
US Patent Application Publication No. US 2005/0021158 A1	De Meyer et al.
US Patent No. 5,526,517	Jones et al.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela Rao whose telephone number is (571) 272-3751. The examiner can normally be reached Monday - Friday from 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah, can be reached on (571) 272-2279. The fax number for the organization where this application or any proceeding papers is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. It should be noted that status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see [http:// pair-](http://pair-)

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/Kamini S Shah/

Supervisory Patent Examiner, Art Unit 2128

/SHEELA RAO/
Examiner, Art Unit 2128
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